

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of COLLEEN H. CHILSON and U.S. POSTAL SERVICE,
POST OFFICE, Binghamton, N.Y.

*Docket No. 97-255; Submitted on the Record;
Issued October 23, 1998*

DECISION and ORDER

Before MICHAEL J. WALSH, WILLIE T.C. THOMAS,
BRADLEY T. KNOTT

The issue is whether appellant's disability causally related to her May 11, 1995 employment injury ended by June 18, 1996.

The Office of Workers' Compensation Programs accepted that appellant sustained a back sprain by lifting flats on May 11, 1995. Appellant received continuation of pay from May 18, 1995, when she first stopped work, until June 13, 1995. Appellant was offered light duty on June 12, 1995 consistent with her attending physician's work tolerance limitations, but, according to the employing establishment, did not accept this offer due to her claim that she could not perform it due to stress. Appellant's application for disability retirement was approved effective November 1, 1995.

In a report dated April 22, 1996, appellant's attending physician, Dr. Orest M. Wasyliw, a Board-certified orthopedic surgeon, indicated that appellant could perform activities as tolerated and that she had "no restrictions presently." In a report dated May 28, 1996, Dr. Charles F. Woodhouse, a Board-certified orthopedic surgeon, to whom the Office referred appellant for a second opinion, concluded:

"The patient could return to work with no limitations in her former occupation were it not for the fact that she is totally restricted from work by her psychiatric opinion unrelated to the alleged injury of [May 11, 1995].

"There are no objective findings of the accepted condition at the time of this examination and in reviewing the record there are no objective findings from Dr. Wasyliw. The only finding that he has is a subjective report of pain in her back.

“I do not believe that the claimant is currently disabled from performing the physical requirements of the date-of-injury job from the direct injury which she allegedly sustained on [May 11, 1995].

“[T]here are no work restrictions applicable to the prior healed injury of her back. Her work restrictions are based upon an unrelated psychiatric condition.

“I do not believe that any further treatment is necessary since there are no objective findings on her examination.”

By decision dated June 18, 1996, the Office terminated appellant’s entitlement to compensation for disability and to medical treatment at the expense of the Office effective that date.

The Board finds that the Office properly terminated appellant’s entitlement to compensation for disability and to medical treatment at the expense of the Office effective June 18, 1996.

In a report dated April 22, 1996, appellant’s attending physician, Dr. Wasyliw, indicated that she could return to work with no restrictions. This opinion was confirmed in a May 28, 1996 report by the Office’s referral physician, Dr. Woodhouse, who also concluded, based on the absence of any objective findings on examination, that appellant did not need further treatment for her back. These reports are sufficient to justify termination of appellant’s compensation effective June 18, 1996, especially in light of the absence of any medical evidence to the contrary.

The decision of the Office of Workers’ Compensation Programs dated June 18, 1996 is affirmed.

Dated, Washington, D.C.
October 23, 1998

Michael J. Walsh
Chairman

Willie T.C. Thomas
Alternate Member

Bradley T. Knott
Alternate Member